IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Appeal No.274 of 2000

Date of decision : July 30, 2007

State of H.P. **…Appellant.**

Versus

Sonu and another **…Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Appellant : Mr. M.L. Chauhan, Additional Advocate General.

For the Respondents : None.

Surjit Singh, Judge(Oral)

Heard and gone through the record.

2. Respondents were sent up for trial for an offence punishable under Section 61(1)(a) of the Punjab Excise Act, as applicable to the State of Himachal Pradesh, for allegedly being in possession of 168 bottles of Una No.1, which they were transporting in a taxi bearing registration No.HP-02-3452. The only reason recorded by the trial Court for passing the order of acquittal is that independent witnesses have not supported the prosecution version and testimony of the police officials cannot be taken as gospel truth. The view taken by the trial Court is contrary to the well settled legal position that the police official is as good a witness as any other member of the society. The trial Court has not at all considered the evidence of the police officer who intercepted the taxi and recovered the liquor. The judgment is, thus, no judgment in the eyes of law.

Whether reporters of the local papers may be allowed to see the judgment?

Hence, the appeal is accepted, judgment is set aside and the case is remanded to the trial Court with a direction to decide the matter afresh after hearing the parties.

July 30, 2007(sd) **(Surjit Singh), J**